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HONOLULU, H. I., THURSDAY, APRIL 7, 1898.

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HILO, HAWAII

UPPER HOUSE PROCEEDINGS

Short Session and an Adjournment to
Next Monday.

Report from Judiciary Committee on a Senate
Bill—Important House Bill Sent
to Senate.

Ten Senators answered at roll call this morning, and after the usual preliminaries a communication was read from the House relating to the passage of House Bill 49, limiting the time in which actions for the recovery of land may be brought. Under the present law such actions may be brought any time within twenty years. The bill which has passed the House makes the period ten years.

Senator Hocking from the Judiciary Committee reported Senate Bill 28, authorizing licenses for the retail of wines and beers, printed and ready for distribution.

The same Senator also reported revised copies of the Senate Bill 19, creating recreation grounds at Aala and Makiki. This bill will come upon third reading on Monday.

Senator Brown from the Judiciary Committee reported on Senate Bill No. 25, being an Act to amend Section 69 as amended by Chapter 109 of the Session Laws of 1892, and section 74 of Chapter 57 of the Session Laws of 1892, being the Act to reorganize the Judiciary Department of the Islands, and under the provisions of which Act the Judiciary Department is now working, saying:

"Under the provisions of the Act in question, the Supreme Court has decided that no appeal or Bill of Exceptions will lie to the Supreme Court from the inferior courts, unless the question decided is final and conclusive of the question in issue, and consequently, no matter how important the question may be that is raised by demurrer, or any other question that may be raised during the progress of the trial, unless it is final and conclusive of the case it must come up for final decision upon the appeal after the case has been heard, argued, submitted and the decision given by the Judge or Magistrate who heard it. It very often happens, especially in equity trials, that a demurrer, if sustained, would be fatal to the case; the attorney interposing the demurrer has faith in his points, the Judge may be uncertain, as the question raised is a close one; if he overrules the demurrer under our present practice, the demurrer cannot be appealed from and taken immediately to the Supreme Court for decision, but must go upon the general appeal; if the Court of Appeal should then sustain the demurrer, all work and time spent in trying the case has been for naught. The Act now before the Senate is to remedy this, but it does not allow the appeal or the Bill of Exceptions as of right; the Judge who heard the case may in his discretion allow an appeal or a Bill of Exceptions. If this was given as of right, we think that the rich litigant could tie up a case with

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appeals and exceptions and finally worry his opponent out. The Committee have amended the title and redrafted the bill. The reason for redrafting is to insert the whole of the sections and add to them the words set forth in the Act referred to, so that in looking up the law, the practitioner, by taking the laws of 1898, will know exactly what the statute is on appeals and bills of exceptions without having to search through the session laws from 1892 to the present day.

"With the amendment to the title and other amendments merely as to the form and the redrafting of the bill, which does in no way change its meaning as originally introduced, we recommend that it pass."

Ordered considered with the bill.

House bill 54, adulteration of food and drugs, was read by title on second reading and referred to the Committee on Public Health. Adjourned to Monday.

FOR OMAHA EXPOSITION.

Mr. Shingle Leaves the Star to Work Up
Village Project.

Robert W. Shingle left the Star this morning that he may give his full time and attention to the Hawaiian Village which he purposes taking to the Trans Mississippi International Exposition, which opens in Omaha on June 1 and continues throughout the summer. Mr. Shingle is a thoroughly up-to-date newspaperer, and will be missed in newspaper circles.

In connection with his enterprise the Cyclorama of Kilauea will also be exhibited, having a position in the main court of the Exposition grounds. The Hawaiian Government will make, also, a special exhibit, the leading feature of which will be pure Island coffee. It is expected that Mr. Shingle will be appointed one of the general commissioners, to properly carry out the purpose of the entire Hawaiian exhibit. He will leave for Omaha early in May.

Fenced a Road.

The Government has received word that Joseph P. Mendonca is closing in the road from Kailua gap to Waimanalo, east side of Oahu. At the Interior department this action of the Koolau statesman is regarded as peculiar. The road, said to be taken in, is a branch of the new Pali road and is quite an important highway. It is being narrowed by fences to a width of 13 feet. Mr. Mendonca, it appears, owns the land, but the Government will contest his right to close it in.

Teachers' Examinations Close.

Examinations for teachers' certificates closed in the High School building at noon today. In point of numbers of candidates this was a record breaking season of examinations. There were 27 in the primary and 10 in the grammar school grades. Most were from the city, though some were from the other islands and a few, new, from the outside. The examiners will be busy several days grading and arranging the papers.

Police Court Items.

Kanikawi and Pakukula, for larceny in the second degree, were given 30 days each on the reformatory.

Lum Chew, common nuisance, was fined \$5 and costs.

Kanikawi, w. for assault and battery on Kili, w. was fined \$10 and costs.

A Prince in a Pillbox.

A Chinese employed on the U. S. S. Bennington has caused the arrest of Capt. Kalaianale on a charge of assault and battery. In the police court today the case was set for trial tomorrow and the prince allowed to go on his own recognizance to appear.

FULL PARDONS GRANTED

W. H. Rickard and R. W. Wilcox
Restored to Civil Rights.

Several Other Cases of Desired Clemency
Acted Upon By the Council
of State.

The Council of State met at 2:15 p. m., President Dole presiding. The members present were C. Bolte, S. K. Kane, E. C. Winston, P. C. Jones, John Phillips, Thos. Nott, J. A. Kennedy, W. C. Wilder, Cecil Brown, John Ena, Attorney-General Smith, Minister Damon and A. G. M. Robertson.

Secretary Bolte called the roll and read the minutes of last meeting.

Attorney General Smith read the petition of W. H. Rickard for pardon and stated that it was endorsed by the Executive. Accompanying the petition was an oath of allegiance of the petitioner and a largely signed petition. Mr. Rickard was found guilty by the Military Commission of treason and sentenced at first to 35 years' imprisonment and a fine of \$10,000, afterward commuted to a lesser time and finally to a parole on good behavior.

President Dole said the Government had accepted the position of recommending the pardon of all political prisoners who applied for it and took the proper oath.

On motion of J. A. Kennedy the pardon was granted.

The next petition was that of R. W. Wilcox, which was also granted.

Mr. Wilder asked if the free pardon carried restoration of civil rights.

The Attorney General said yes. The next petition was that of John Kaulani, a leper confined in the Molokai jail for selling opium. This was also granted, the applicant being entitled to discharge under the poor man's oath.

William Henry S. A., a soldier dishonorably discharged, applied for a pardon. This was also granted.

Thomas Burt, sentenced for five years for man-slaughter at Iwilei some months since, also applied to the Executive for a pardon. The Attorney General stated that the Executive Council could not endorse the petition at the present time, and no action was taken.

The Attorney General then withdrew.

President Dole said the only other business was the reading of a petition from Kaio, sentenced to death for the murder of Dr. J. K. Smith. The petition was in native and was translated by Councilor Brown.

President Dole recited the history of the trial and reviewed the case. Contrary to his preconceived ideas he had found from the evidence that Kapea, the man who committed the crime, was the real ring leader, whereas the general impression seemed to have been that it was Kaio who planned the affair. Upupa had been convicted of being accessory before the fact

and given only three years' imprisonment, whereas Kaio, convicted of accessory after the fact, was sentenced to be hung. The question was whether the two sentences were not disproportionate. The people on Kauai were very much opposed to any pardon or commutation. The petition in this case is for a commutation to a term of years. If the Council considered the case at all, it should only consider the question of commuting to life imprisonment.

Mr. Robertson said that having represented the petitioner as counsel on the trial he felt that it was hardly proper for him to vote on the matter and he should not do so. He felt, however, that it was his duty to say a few words in his behalf. He agreed with the President's interpretation of the evidence, that while the father knew of the commission of the murder by his sons and did nothing to prevent it, he was not the instigator of the crime.

At 3:30 the BULLETIN cannot wait longer for the decision.

AFTER A KAHUNA.

Native Claims License to Treat Patients
by Sorcery.

Another kahuna case is worrying the Health and Police departments. Two days ago a child at Kakaako, who had been attended by an alleged sorcerer, died. Dr. Herbert was called at the last moment, but too late to accomplish any benefit. The child died in great agony after having suffered for several days with an ailment resembling congestion of the lungs.

It is learned authoritatively that this kahuna has practiced upon many cases in Honolulu. For several months he has been telling the natives that he was licensed by the Board of Health. To the family of his last victim he said that he had been examined by Dr. Herbert and Dr. Emerson, and had astounded both with his knowledge of medicines and methods of cure. He said that Dr. Emerson pronounced him the most competent medical authority in the world.

Complaint has been officially made to the Board of Health, and from there to the police department. Marshal Brown is making a thorough investigation. Names of all the parties are withheld until the matter becomes one of official record. It is learned this afternoon that the young man's father is also a kahuna and has a wide practice among Hawaiians of the city.

ENTRIES ARE CLOSED.

End of Preparation for Saturday's
Great Race Program.

Entries for the horse races closed at 1 o'clock this afternoon with Major McCarthy at the Criterion. All the events are full, and it is plain that the program will be the most interesting of years. On account of the fact that the exclusive program right has been sold to W. Smithies, a list of the entries is withheld.

The races will begin at 1 o'clock sharp Saturday afternoon. Music will be furnished by the band. J. W. Chapman will have tables under the grand stand for the dispensing of refreshments. Captain Tripp, Theo. Hoffmann and J. C. Clancy will be judges of the day. C. B. Wilson will officiate as starter.

The first and fifth events will be bicycle races, one professional, the other amateur. The other events will be: The eighth mile running race for Hawaiian bred horses; mile trotting, two in three; half mile dash; three fourths mile dash; mile trotting, three in five; mile running race; driving race for road horses; mile trotting, two in three.

Reports from Madrid state that public feeling in that city is in favor of peace.

HILO KAMAAINA DEPARTED

J. A. Martin, the Veteran Merchant,
Buried Monday Afternoon.

Resident of Fourteen Years—Member of the
Press—A Thorough Gentleman—Col-
lector of Information.

J. A. Martin, one of the fathers of Hilo town, died last Sunday and was buried Monday afternoon in the cemetery of the Foreign church. Dropsy was the cause of death. Deceased was not a married man, and leaves no relatives in this country.

Mr. Martin came to Hilo from the United States about 14 years ago, and has since been closely identified with the progress and ambitions of the Rainy City. He was a merchant by vocation, carrying a stock of notions. At the time of his death he was nearly 70 years of age. Mr. Martin was widely and favorably known, not alone at Hilo but throughout the Islands.

For many years, before a press was set up in Hilo, Mr. Martin gave the Honolulu papers the news of Hilo and surrounding country. His style was telegraphic in its brevity, excepting when he "let himself out" on the religious and social events of the town. Originally he served the Gazette, then the Advertiser, next the BULLETIN. Therefore his memory deserves a tribute as that of an honorary member of the "Fourth Estate."

These paragraphs are added to the reporter's notes of Mr. Martin's death preceding, in tender remembrance of most friendly attentions received from the lamented gentleman by the writer upon his rare visits to Hilo. Mr. Martin was one of nature's noblemen, courteous and generous to a fault. It may be worth mentioning that he had collections of printed scraps, written memoranda and photographs, relating to the volcano and other local subjects, which the Hawaiian Historical Society might do well to purchase from his estate if the opportunity come for so doing.

Myrtle Dance Tonight.

This is the evening of the ball at the Myrtle Boat Club's house. The affair will begin at 8 o'clock. Tickets may be had of the committee at the door. Those wishing to have a bus call for them are requested to notify D. F. Thrum during the afternoon. The dance hall of the Myrles has been handsomely decorated. A native orchestra will furnish music.

More Wharfage Needed.

The need of more wharfage is clearly shown whenever a steamer from Seattle ties up. The large cargo of Rainier beer discharged takes up all the available space leaving no room for what little other freight is left. The Criterion Saloon is headquarters for his justly celebrated beer.

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